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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA IONE LLOYD,

07 CV 1220

Plaintiff,

-against-

BLT MANAGEMENT LLC, BLT STEAK LLC,
BLT PRIME LLC, and LAURENT
TOURONDEL,

**COMPLAINT AND
JURY DEMAND**

Defendants.

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Plaintiff Patricia Ione Lloyd, by her attorneys, LEWIS, CLIFTON &
NIKOLAIDIS, P.C., alleges as follows:

NATURE OF ACTION

1. Plaintiff Patricia Ione Lloyd (“Lloyd”) alleges that she was subjected to sexual harassment and racial and gender discrimination during her employment by defendants, and that she was constructively discharged in retaliation for complaining about race discrimination. Plaintiff’s claims are brought pursuant to Title VII of the Civil Rights Act of 1964, New York State Executive Law and the New York City Administrative Code.

JURISDICTION

2. Jurisdiction is conferred upon the Court pursuant to 28 U.S.C. § 1331 and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* The supplemental jurisdiction of the Court is also invoked in connection with plaintiff’s state law claims.

3. Venue is proper in this district because the unlawful employment practices alleged herein occurred within the Eastern District of New York.

PARTIES

4. Plaintiff Lloyd is an African American woman who resides at 315 Lincoln Place, Apt. 2G, Brooklyn, New York 11238.

5. Upon information and belief, BLT Management LLC (“BLT”) is a restaurant management company which owns three restaurants in New York City: BLT Steak LLC, BLT Fish LLC and BLT Prime LLC. BLT is located at 950 Third Avenue, Suite 2300, New York, New York 10022. BLT is an “employer” within the meaning of 42 U.S.C. § 2000e et seq.

6. BLT Steak LLC (“BLT Steak”) is a restaurant located at 106 East 57th Street, New York, New York 10022. BLT Steak is an “employer” within the meaning of 42 U.S.C. § 2000e et seq.

7. BLT Prime LLC (“BLT Prime”) is a restaurant located at 111 East 22nd Street, New York, New York 10010. BLT Prime is an “employer” within the meaning of 42 U.S.C. § 2000e et seq.

8. Laurent Tourondel (“Tourondel”) is the co-owner and Executive Chef of BLT Steak, BLT Prime and BLT Fish LLC. Upon information and belief, Tourondel resides in the State of New York.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. On April 11, 2006, Lloyd filed charges with the Equal Employment Opportunity Commission (“EEOC”) alleging sexual harassment, race and gender discrimination

and retaliation. On or about November 20, 2006, the EEOC issued a Right to Sue Notice.

FACTS UNDERLYING ALL CAUSES OF ACTION

10. Lloyd was hired by BLT Steak in March 2004 as a part-time office assistant/reservationist. One month later, she was promoted to a full time office assistant and given additional responsibilities, including the administration of human resources, ordering all non-food items, and coordinating Tourondel's personal matters such as book and television appearances.

11. In January 2005, Lloyd was promoted to the position of Office Manager of BLT Steak and given a salary increase. Lloyd was employed at BLT Steak until May 2005 at which time she became employed by BLT Prime. During her entire employment with BLT Steak and BLT Prime, Lloyd never received a reprimand, warning or negative performance evaluation.

12. From December 2004 until June 2005, Lloyd was subjected to offensive touching and comments of a sexual nature, including the following:

- a) In December 2004, at BLT's Christmas party, Jimmy Haber ("Haber"), Partner of BLT and Managing Director of all BLT restaurants, stood behind Lloyd and pulled her dress strap down off her shoulder. Haber did this three times.
- b) On one occasion in the spring of 2005, Tourondel told Lloyd that she could bring her partner to the restaurant for dinner, but added, "just tell me when you are having dinner so that I can see you two make out."
- c) Beginning in April 2005 and continuing until June 2005, Tourondel viewed pornography on his computer at work, and at least two times per week, asked Lloyd to look at his computer screen which showed pictures of women having sex.
- d) From April 2005 to June 2005, Tourondel regularly commented to

Lloyd about the pornography he was viewing on his computer. On one occasion, referring to one of the women having sex, Tourondel said, "I know you like women. Do you think she's hot?" On another occasion, Tourondel showed Lloyd a picture of a woman with a penis and asked, "What do you think about that?"

13. On various occasions, managers were in the room while Tourondel viewed and commented to Lloyd about pornography. These included Susan Hallen ("Hallen"), Director of Operations; Keith Treyball ("Treyball"), General Manager; Fred Dexheimer ("Dexheimer"), Managing Partner and Sommelier; and Ian Medwin, Maitre D'hotel. None of the managers questioned or criticized Tourondel's behavior.

14. After observing Tourondel make a sexual comment to Lloyd, Hallen told Lloyd, "you have to play along with them, otherwise you won't get anywhere. I've become just as bad as them."

15. In March 2005, BLT Steak hired an African American female, Stephanie Penn ("Penn"), in a management position. When Dexheimer learned that Penn had been hired, he commented to Treyball, "I didn't know you liked the flavor." It was clear to Lloyd that Dexheimer meant that Penn was African American.

16. BLT managers routinely treated African American women unfavorably. Examples of the offensive comments and conduct Lloyd experienced are as follows:

- a) In the spring of 2005, Dexheimer stated that he wanted to remove one of the African American women from her position at the reception area near the door because "there are too many sisters at the door."
- b) On June 22, 2005, Dexheimer asked Lloyd, "Can you print the wine menus, negrit?" Lloyd said, "What did you say?" He responded, "Can you print the wine menus, negrit?" Lloyd told Dexheimer, "If you say that again, I'm going to beat you with a bat." Dexheimer continued, "Okay, negrit, just print the menus."

17. In April 2005, Lloyd received a complaint from a female sous-chef, Kristina Lopez, that a male porter, Rigoberto, had made offensive ethnic and sexual comments to her over a period of weeks, culminating in Rigoberto offering Lopez money for anal sex. Lloyd took Lopez's written complaint and submitted it to Treyball. Later, in Lloyd's presence, Tourondel joked with Treyball about the complaint and attributed fault to Lopez. Tourondel said, "people joke all the time in the kitchen, if she can't take it that's her problem."

18. In May 2005, Lloyd was given another salary increase and charged with the responsibility of opening a new BLT restaurant, "BLT Prime."

19. On June 23, 2005, Lloyd complained to Jeff Kadish, co-owner of BLT, about Dexheimer calling her a "negrit."

20. Over the weekend of June 25th and 26th, Lloyd was not scheduled to work. A.J. Ojeda overheard Tourondel and Treyball referring to Lloyd as, "that fucking Ione," and saying, "maybe she'll just walk out."

21. When Lloyd returned to work on Monday, June 27, 2005, she learned that the managers were having a meeting, but she was not invited. Approximately 30 to 45 minutes after the meeting began, she was called in. Treyball began screaming at her, "What are you doing? Why the fuck are you not at this meeting? Everyone has been fucking waiting for you. You think you are better than everyone else. What the fuck is your problem? You don't care about this company." Treyball's tirade lasted a full five minutes. Lloyd was visibly shaken and on the verge of tears.

22. A number of managers and staff were present at the June 27, 2005 meeting: Treyball, Kadish, Treyball's assistant, Kelly – two sommelier staff members, and a general

manager, Thierry. None of the managers ordered Treyball to stop or in any way discouraged his behavior.

23. After the meeting, Kadish approached Lloyd and said, "I want to talk to you later and I want you to be strong."

24. By the end of June 2005, Lloyd's working conditions had become so unbearable that she believed she had no other option but to resign. On or about June 30, 2005, Lloyd resigned.

AS AND FOR A FIRST CAUSE OF ACTION
(hostile work environment sexual harassment under Title VII)

25. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 24 above.

26. By its aforedescribed actions, defendants engaged in hostile work environment sexual harassment against the plaintiff in violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-2(a)(1).

AS AND FOR A SECOND CAUSE OF ACTION
(race discrimination under Title VII)

27. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 26 above.

28. By its aforedescribed actions, defendants engaged in race discrimination against the plaintiff in violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-2(a)(1).

AS AND FOR A THIRD CAUSE OF ACTION
(gender discrimination under Title VII)

29. Plaintiff hereby repeats and realleges each allegation contained in

paragraphs 1 through 28 above.

30. By its aforedescribed actions, defendants engaged in gender discrimination

against plaintiff in violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-2(a)(1).

AS AND FOR A FOURTH CAUSE OF ACTION
(retaliation under Title VII)

31. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 30 above.

32. By its aforedescribed actions, defendants retaliated against the plaintiff for complaining about race discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-3(a).

AS AND FOR A FIFTH CAUSE OF ACTION
(hostile work environment sexual harassment under New York State Law)

33. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 32 above.

34. By its aforedescribed actions, defendants engaged in hostile work environment sexual harassment against the plaintiff in violation of Section 296(1)(a) of the New York State Executive Law.

AS AND FOR A SIXTH CAUSE OF ACTION
(race discrimination under New York State Law)

35. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 34 above.

36. By its aforedescribed actions, defendants engaged in race discrimination against the plaintiff in violation of Section 296(1)(a) of the New York State Executive Law.

AS AND FOR A SEVENTH CAUSE OF ACTION

(gender discrimination under New York State Law)

37. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 36 above.

38. By its aforedescribed actions, defendants engaged in gender discrimination

against the plaintiff in violation of Section 296(1)(a) of the New York State Executive Law.

AS AND FOR AN EIGHTH CAUSE OF ACTION

(retaliation under New York State Law)

39. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 38 above.

40. By its aforedescribed actions, defendants retaliated against the plaintiff for complaining about race discrimination in violation of Section 296(1)(e) of the New York State Executive Law.

AS AND FOR A NINTH CAUSE OF ACTION

(sexual harassment under the New York City Administrative Code)

41. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 40 above.

42. By its aforedescribed actions, defendants engaged in hostile work environment sexual harassment against the plaintiff in violation of Section 8-107 of the New York City Administrative Code.

AS AND FOR A TENTH CAUSE OF ACTION

(race discrimination under the New York City Administrative Code)

43. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 42 above.

44. By its aforedescribed actions, defendants engaged in race discrimination against the plaintiff in violation of Section 8-107 of the New York City Administrative Code.

AS AND FOR AN ELEVENTH CAUSE OF ACTION
(gender discrimination under the New York City Administrative Code)

45. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 44 above.

46. By its aforedescribed actions, defendants engaged in gender discrimination

against the plaintiff in violation of Section 8-107 of the New York City Administrative Code.

AS AND FOR A TWELFTH CAUSE OF ACTION
(retaliation under the New York City Administrative Code)

47. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 46 above.

48. By its aforedescribed actions, defendants retaliated against the plaintiff for complaining about sexual harassment in violation of Section 8-107 of the New York City Administrative Code.

WHEREFORE, plaintiff prays that this court grant judgment against defendants as follows:

a) Granting damages for loss of wages, benefits and promotional opportunities and bonuses in an amount equivalent to what plaintiff would have earned had her employment not been terminated;

- b) Ordering defendants to reinstate plaintiff to an equivalent position or grant an award of front pay;
- c) Granting damages for mental anguish and emotional pain, including loss of self-esteem, personal dignity and career fulfillment;
- d) Granting punitive damages to plaintiff for defendants' willful violations of the law;
- e) Granting plaintiff an award of attorney's fees and costs of this action; and
- f) Granting such other and further relief as this court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff demands a trial by jury.

Dated: New York, New York
February 15, 2007

LEWIS, CLIFTON & NIKOLAIDIS, P.C.

By: _____
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